

Minutes of Meeting
Health Services Council
Project Review Committee-II

DATE: 25 May 2006 TIME: 3:00 PM

LOCATION: Health Policy Forum

ATTENDANCE:

Committee II: Present: Victoria Almeida, Esq., (Vice Chair), Raymond C. Coia, Esq., Sen. Catherine E. Graziano, RN, Ph.D., Denise Panichas, Robert J. Quigley, DC, (Chair), Larry Ross, Reverend David Shire (Secretary)

Not Present: Rosemary Booth Gallogly, Wallace Gernt

Excused Absence: Maria R. Gil

Staff: Valentina D. Adamova, Michael K. Dexter, Joseph G. Miller, Esq.

Public: (Attached)

1. Call to Order, Approval of Minutes, Conflict of Interest Forms and

Time Extension for the Minutes Availability

The meeting was called to order at 3:05 PM. Minutes of the 30 March 2006 and 6 and 20 April 2006 and 18 May 2006 Project Review Committee-II meetings were approved as submitted. The Chairman noted that conflict of interest forms are available to any member who may have a conflict. The Chairman requested a motion for the extension of time for the availability of minutes pursuant to the Open Meetings Act. A motion was made, seconded and passed by six in favor and none opposed (6-0) that the availability of the minutes for this meeting be extended beyond the time frame provided for under the Open Meetings Act. Those members voting in favor were: Almeida, Coia, Graziano, Quigley, Ross, Shire.

2. General Order of Business

The first item on the agenda is the application of Roger Williams Radiation Therapy, LLC for a certificate of need to provide radiation therapy services in Providence. Staff noted that Roger Williams Radiation Therapy LLC is owned by Radiation Therapy Services Inc., and Roger Williams Hospital. Staff noted that the application has been amended to delete the acquisition of the Accuray CyberKnife and instead replace it with the Philips Elekta model SL 75-5 machine number 3024 that is presently used by Roger Williams Hospital. Staff noted that the applicant had appeared before the committee the

previous week and some conditions of approval were discussed. Staff noted that these conditions have been refashioned based on some of the discussion and presented to the applicant and members of the committee. Staff noted that the applicant provided an updated response to question 14 in the application with respect to the managers of the LLC and the board of trustees of the Roger Williams Hospital and that the applicant has modified its response to question 15; initially they had a projected 8% charity care, they have modified that to 3%.

Steve Zubiago, legal counsel to the applicant, introduced the representatives of the applicant and confirmed that the proposed conditions of approval were acceptable to the applicant. A member of the committee noted that there was no reduction in debt associated with the removal of the Accuray CyberKnife. The applicant responded that they were still proposing an equity contribution greater than the 33% minimum. The member also noted that there was no reduction in staffing associated with the change. The applicant responded that it was still going to be operating two units.

A motion was made, seconded and passed by a vote of seven in favor and none opposed (7-0) to recommend that the application, as amended, be approved and subject to the conditions of approval that had been distributed at the meeting. Those members voting in favor of the motion were: Almeida, Coia, Graziano, Panichas, Quigley, Ross, Shire.

The next item on the agenda was the request of Wayland Square Surgicare, Inc. for a change order to its 1992 certificate of need in order to modify its charity care requirement. Staff noted that it prepared a staff memo with respect to this request and noted that the state of Virginia has a code that was passed in March 24, 2004 effective March 29, 2004 where for applicants who do not satisfy a certain percentage of charity care, that percentage is calculated into a dollar amount and direct payments are made by the applicant to the Virginia Association of Free Clinics, the Virginia Healthcare Foundation, and the Virginia Primary Care Association. Patricia Rocha, legal counsel to the applicant, introduced the representatives of Wayland Square. Ms. Rocha reviewed the activities that the applicant had undertaken since it last appeared before the committee. There was discussion about liabilities to physicians associated with free care and patients not showing up for appointments. There was discussion about the free care not documented as being provided by the applicant over the years since the facility opened in 1994 and whether or not the model utilized by Virginia was appropriate for Rhode Island. There was discussion about legal jurisdiction to substitute cash payments for free care not provided. There was discussion about the appropriateness of substituting equipment and furniture for free care not provided. There was discussion of the need for an overall charity care policy for all health care facilities and the appropriateness of such a policy, if developed. There was

discussion of what charity care means and whether it is limited to the personal clinical relationship between the patient and the provider or whether it could extend to the provision of furniture and equipment to providers who treat the uninsured. A motion was made, seconded and passed unanimously to continue this matter at another meeting.

There being no further business the meeting was adjourned at 3:45 PM.

Respectfully submitted,

Valentina D. Adamova